

Chapter 19.690***Effective Dates, Time Limits, and Extensions*****19.690.010 Purpose**

This Chapter identifies the effective date of permit and other approvals and provides requirements (including time limits) for implementation and extension of approval time limits. Unique processing procedures are listed in the individual permit Chapters.

19.690.020 Effective Date of Permits and Actions**A. Zoning Administrator or Planning Commission Decisions on Discretionary Permits and Actions**

All decisions of the Zoning Administrator or Planning Commission acting as a final Approving Authority under Table 19.650.020 (Approving and Appeal Authority), shall be effective the first regular business day after the end of the 10 day appeal period. Filing of an appeal stays the effective date pending action on the appeal.

B. City Council Decisions on Discretionary Permits and Actions

All decisions of the City Council in granting or denying a discretionary permit shall become effective on the next City business day following City Council Action, unless the discretionary permit is being processed concurrently with and dependent upon any legislative action, in that case the effective date of the discretionary permit will be governed by Section 19.690.020(C).

C. Legislative Actions

A legislative approval granted by resolutions, such as a Specific Plan or General Plan amendment, is effective immediately upon adoption of the numbered resolution by the City Council. A legislative approval granted by ordinance, such as a zoning map amendment, is effective 30 days following the date of adoption of the ordinance by the City Council.

D. Temporary Use Permits

Following a decision to approve, conditionally approve or deny a temporary use permit by the Zoning Administrator, the applicant or any interested party shall have two (2) business days to file an appeal with the City Manager or authorized designee. If not appealed, the permit is in effect the day following the end of the appeal period. If appealed, the City Manager or authorized designee shall make a decision on the appeal within five (5) working days of its receipt and such action shall be final and the permit, if approved, shall be in effect immediately.

19.690.030 Time Limits

- A. Any discretionary permit granted pursuant to the Zoning Code shall become null and void if not exercised within the time limit specified in the approving document or within one year if no time has been specified.
- B. Unless an earlier expiration date appears on the face of the permit, any development permit which is issued in conjunction with a tentative subdivision map shall expire no sooner than the approved tentative map or any extension thereof whichever occurs later.
- C. Any legislative approval shall become null and void if not finalized within two years, unless otherwise specified in the conditions of approval.

19.690.040 Voiding

Any variance or permit granted pursuant to the Zoning Code shall become null and void if:

- A. The use for which the variance or permit was granted has ceased to exist or has been suspended for 90 days or more, except that permits for uses that involve the on or off-sale of alcoholic beverages shall be subject to the provisions of Section 19.080.100 (Loss of Nonconforming Status for Alcoholic Beverage Sales); or
- B. The owner or owner's authorized representative of the property for which the variance or permit was granted requests, in writing, that the variance or permit be voided and the Approving or Appeal Authority having jurisdiction approves the request.

19.690.050 Time Extension

- A. The period within which the exercise of a discretionary permit or other approval must occur may be extended by the Zoning Administrator as described in B – K below. An application for extension shall be filed, along with appropriate fees and necessary submittal materials pursuant to Chapter 19.660 (General Application Processing Procedures).
- B. The term of a Temporary Use Permit may not be extended.
- C. Variances, Administrative Design Review actions and Minor Conditional Use Permits may receive a maximum of two, one year time extensions.
- D. Conditional use permits and Site Plan Review permits, not related to an implementing subdivision and/or legislative action, may be granted time extensions by the Zoning Administrator up to a total of five years beyond the original two-year approval expiration date. At the exhaustion of Zoning Administrator approved extensions, the original Approving or Appeal Authority following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing), may grant one final permit extension of up to two years. A public hearing notification fee is required of the applicant in such case, in addition to a time extension fee.

- E. Planned residential development permits, related to an implementing subdivision and/or legislative action, may be granted time extensions by the Zoning Administrator up to a total of five years beyond the original two-year approval expiration date prior to issuance of any building permits. Once a building permit has been issued the planned residential development will be considered vested and time extensions are no longer needed. At the exhaustion of Zoning Administrator approved extensions, the original Approving or Appeal Authority following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing), may grant one final permit extension of up to two years. A public hearing notification fee is required of the applicant in such case, in addition to a time extension fee.
- F. Zoning Text/Map, General Plan and Specific Plan amendments may be granted time extensions by the Zoning Administrator up to a total of five years beyond the original two-year approval expiration date. At the exhaustion of Zoning Administrator approved extensions, the original Approving or Appeal Authority following a public hearing noticed pursuant to Section 19.670.040 (Notice of Hearing for Legislative Actions), may grant one final permit extension of up to two years. A public hearing notification fee is required of the applicant in such case, in addition to a time extension fee.
- G. Any permit extension may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved.
- H. The extension may be granted only when the Zoning Administrator or designated Approving or Appeal Authority finds that the original permit findings can be made and that there are no changed circumstances or that there has been diligent pursuit to exercise the permit that warrants such extension.
- I. Retroactive time extensions may be granted for a period not greater than specified in Section 19.690.050 C, D, E and F.
- J. A separate fee shall be required for each year of permit extension.
- K. Extensions related to the terms of nonconforming uses and structures are governed by Article III, Chapter 19.080 (Nonconformities).

19.690.060 Exercising Permits or Approvals

- A. The exercise of a permit occurs when the property owner has completed all conditions of the permit approval and incurred substantial liabilities.
- B. Unless otherwise provided, approvals that have not been exercised prior to a Zoning Code amendment that makes the approved use or structure of the approval nonconforming shall automatically be deemed invalid on the effective date of the Zoning Code amendment. A new application is then required.

19.690.070 Approvals to Run with Land

Land use and development permits and approvals granted pursuant to the provisions of this Title shall be transferable upon a change of ownership of the site, business, service, use or structures, provided that the use is continuous and conditions of the original permit or approval are fully complied with, and the project is not modified or enlarged/expanded.

19.690.080 Permit(s) On the Site During Construction

A copy of all land use and development permits (including all corresponding stamped-approved plans) authorizing construction shall be kept on site at all times during construction and made available upon request by an official of the City.